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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,425	12/27/2001	Kamel M. Shaheen	I-2-0195.IUS	1718
24374	7590	11/17/2006	EXAMINER	
VOLPE AND KOENIG, P.C. DEPT. ICC UNITED PLAZA, SUITE 1600 30 SOUTH 17TH STREET PHILADELPHIA, PA 19103			VU, THONG H	
			ART UNIT	PAPER NUMBER
			2142	

DATE MAILED: 11/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/034,425

Applicant(s)

SHAHEEN ET AL.

Examiner

Thong H. Vu

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. Claims 17-26 are pending.
2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/27/06 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Turunen et al [Turunen, 6,487,595 B1] in view of Turina [6,031,832].

3. As per claim 17, Turunen discloses A method for a general packet radio service gateway (GGSN) to dynamically assign responsibility for controlling resource reservation protocol (RSVP) in order to support multimedia communications between a user equipment (UE) in a wireless communication network and a user of an external network [Turunen, GGSN and RSVP with video/voice, col 3 lines 10-25], the method comprising:

determining whether the GGSN or the UE will perform the RSVP signaling [Turunen, The API conveys the allocated QoS level to the RSVP layer and causes a request to be made to the network for the corresponding transmission mode, col 4 lines 30-36];

if the GGSN determines the UE (i.e.: mobile host) will perform the RSVP signaling; the GGSN, sends the UE a message indicating that the UE will control the RSVP function [Turunen, mobile host, col 5 lines 30-38, Fig 2]; and the UE signals the external network (i.e.: remote host) in order to reserve a path through the external network [Turunen, reserving, if necessary to ensure the allocated QoS level is met, col 4 lines 55-60; remote host, col 5 line 48; reserved capacity, col 6 line 26];

if the GGSN determines the GGSN will perform the RSVP signaling; the GGSN sends the UE a message indicating that the GGSN will control the RSVP function [Turunen, GGSN is selected transmission mode, col 6 lines 1-15]; and the GGSN signals the external network (i.e.: remote host) in order to reserve a path through the external network [Turunen, reservation of transmission capacity in the Internet, col 8 lines 53-56]; and

dynamically (re)allocating control of the RSVP function to either the GGSN or the UE [Turunen, an API conveying the allocated QoS level to the RSVP layer, col 9 lines 1-8].

However Turunen does not explicitly detail “dynamically reallocated control of the RSVP function”

In the same endeavor, Turina discloses a method and apparatus for Improving performance of a packet communications system including GGSN and RSVP wherein the network can automatically transfer or reallocate the VIP resource (or control of the RSVP function) from old cell (or to GGSN or UE) [Turina, col 8 lines 5-18].

Therefore it would have been obvious to an ordinary skill in the art at the time the invention was made to incorporate the automatically transfer or reallocate the VIP resource as taught by Turina into the Turunen's apparatus in order to utilize the programming process.

Doing so would improve the performance of a packet communications system that uses a multiple access reservation type of protocol [Turina, col 1 lines 10].

4. As per claim 18 Turunen-Turina disclose control is dynamically reallocated based on traffic conditions [Turina, automatically transfer or reallocate the VIP resource, col 8 lines 5-18].

5. As per claim 19 Turunen-Turina disclose control is dynamically reallocated based on the availability of air link resources versus the availability of network resources [Turina, automatically transfer or reallocate the VIP resource, col 8 lines 5-18].

6. As per claim 20 Turunen-Turina disclose control is dynamically reallocated based on local policy [Turina, automatically transfer or reallocate the VIP resource, col 8 lines 5-18].

7. As per claim 21 Turunen-Turina disclose the UE sending a reservation path message to the external network through the wireless network; the external network reserving path resources for the UE; and the external network sending the UE a RSVP reservation message back through the wireless network [Turunen, remote host, col 5 line 48].

8. As per claim 22 Turunen-Turina disclose the GGSN sending a reservation path message to the external network through the wireless network; the external network reserving path resources for the GGSN; and the external network sending the GGSN a RSVP reservation message back through the wireless network [Turunen, GGSN is selected transmission mode, col 6 lines 1-15; reservation of transmission capacity in the Internet, col 8 lines 53-56].

9. As per claim 23 Turunen-Turina disclose the UE periodically (i.e.: schedule) sending a path refresh message (i.e.: reallocate) through the external network; and upon receipt of the path refresh message, the external network maintaining its reservation of the path [Turunen, scheduler, col 2 line 35; Turina, automatically transfer or reallocate the VIP resource, col 8 lines 5-18].

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10. As per claim 24 Turunen-Turina disclose the external network sending a UE a refresh reservation message indicating that the path will be maintained [Turina, automatically transfer or reallocate the VIP resource, col 8 lines 5-18].

11. As per claim 25 Turunen-Turina disclose the UE periodically sending a path refresh message through the external network; and upon receipt of the path refresh message, the external network maintaining its reservation of the path [Turunen, scheduler, col 2 line 35; Turina, automatically transfer or reallocate the VIP resource, col 8 lines 5-18].

12. As per claim 26 Turunen-Turina disclose the external network sending a UE a refresh reservation message indicating that the path will be maintained [Turunen, remote host, col 5 line 48].

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thong Vu*, whose telephone number is (571)-272-3904. The examiner can normally be reached on Monday-Thursday from 6:00AM- 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Andrew Caldwell*, can be reached at (571) 272-3868. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval IPAIRI system. Status information for published applications may be obtained from either Private PMR or Public PMR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thong Vu
Primary Examiner
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